

## **Probate Notes for June 21, 2007**

Probate notes are a recommendation as to the outcome of the petition. Unlike tentative rulings, they do not automatically become adopted as the order of the court. If you wish to have your petition preapproved or would like to continue the matter to cure defects, contact the probate examiner at (530) 406-6718 between the hours of 2 p.m. and 4 p.m.

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**Case: Estate of Belia Chavez**  
**Case No. CV PB 03-310**

Counsel shall appear. The following problems with the second amended account and report are noted:

1. Receipt entry dated 5/27/05, proceeds of sale of Sienna of \$500. This asset was inventoried and should not be included in Receipts.
2. Receipt entry dated 8/13/04, proceeds from Savings Bond of \$771.91. Further explanation is needed for this asset as no savings bonds were inventoried.

The calculation for the statutory fees is improperly inflated by the following Receipt entries which are not actual receipts:

\$2,500.00 loan to Petitioner (12/13/04)  
\$500.00 proceeds of sale of Sienna, already included in Inventory (5/27/05)  
\$5,000.00 loan to Petitioner (6/24/05)  
\$1,965.91 escrow refund (12/29/06)  
\$728.66 escrow refund (1/10/07)  
\$10,694.57 total

Statutory fees, on a correctly computed fee base of \$749,395.06, are calculated to be \$17,987.90. Counsel should inform the Court whether the amount of fees to attorney William L. Plexico remains unchanged.

The written consents of Maria Ornelas and Raymond Ornelas, Jr., to the sale of the two parcels of real property must be filed pursuant to Probate Code section 10582.

**Case: Estate of Cooper**  
**Case No. CV PB 06-107**

It is recommended to approve the first and final account and report of administrators and to grant the petition for its settlement, for allowance of statutory attorney's fees, for reimbursement of costs, and for final distribution.

**Case: Estate of Knight**  
**Case No. CV PB 93-20461**

It is recommended to grant the petition to appoint Cathy Ann James as successor executor.

**Case:           Estate of Wertman**  
**Case No. CV PB 06-294**

Schedule F, Losses on Sales, is missing. The petitioner has not filed the statement regarding the filing fee required by CA Rules of Court, Rule 7.552.

If the missing documents are filed, it is recommended to approve the first and final account and report of executor and to grant the petition for its settlement, for statutory fees and extraordinary fees to petitioner, for statutory attorney's fees, for authorization to withhold a reserve for closing costs and for final distribution.